

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0251.01 Shelby Ross x4510

SENATE BILL 19-073

SENATE SPONSORSHIP

Ginal, Court

HOUSE SPONSORSHIP

Landgraf,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING A STATEWIDE SYSTEM OF ADVANCE MEDICAL**
102 **DIRECTIVES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of public health and environment (department) to create and administer a statewide electronic system (system) that allows qualified individuals to upload and access advance medical directives.

The bill defines an advance medical directive as a directive concerning medical orders for scope of treatment and requires the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (4) "QUALIFIED INDIVIDUAL" MEANS:

2 (a) A PERSON OR ENTITY THAT MAY USE OR DISCLOSE PROTECTED
3 HEALTH INFORMATION FOR TREATMENT PURPOSES IN ACCORDANCE WITH
4 GUIDELINES UNDER THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
5 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED; OR

6 (b) AN INDIVIDUAL OR SURROGATE DECISION-MAKER OF AN
7 INDIVIDUAL WHO HAS AN ADVANCE MEDICAL DIRECTIVE.

8 **25-51-102. Statewide system for advance directives created -**

9 **rules.** (1) THE DEPARTMENT SHALL CREATE AND ADMINISTER A
10 STATEWIDE ELECTRONIC SYSTEM, REFERRED TO WITHIN THIS SECTION AS
11 THE "SYSTEM", THAT ALLOWS QUALIFIED INDIVIDUALS TO UPLOAD AND
12 ACCESS ADVANCE MEDICAL DIRECTIVES. THE DEPARTMENT SHALL ENSURE
13 THAT QUALIFIED INDIVIDUALS MAY ACCESS THE SYSTEM FOR TREATMENT
14 PURPOSES THAT ARE ALLOWED UNDER THE FEDERAL "HEALTH INSURANCE
15 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
16 AMENDED.

17 (2) THE DEPARTMENT SHALL CONTRACT WITH ONE OR MORE
18 HEALTH INFORMATION ORGANIZATION NETWORKS FOR THE
19 ADMINISTRATION AND MAINTENANCE OF THE SYSTEM.

20 (3) THE DEPARTMENT SHALL PROMULGATE RULES IN ACCORDANCE
21 WITH ARTICLE 4 OF TITLE 24 TO ADMINISTER THE PROVISIONS OF THIS
22 ARTICLE 51, INCLUDING BUT NOT LIMITED TO RULES ESTABLISHING:

23 (a) CRITERIA FOR QUALIFIED INDIVIDUALS TO HAVE ACCESS TO THE
24 SYSTEM AND ADVANCE MEDICAL DIRECTIVES;

25 (b) PROCEDURES BY WHICH A QUALIFIED INDIVIDUAL MAY ADD OR
26 REMOVE AN ADVANCE MEDICAL DIRECTIVE TO OR FROM THE SYSTEM;

27 (c) PROCEDURES BY WHICH A QUALIFIED INDIVIDUAL MAY ACCESS

1 AND DOWNLOAD AN ADVANCE MEDICAL DIRECTIVE FROM THE SYSTEM;
2 AND

3 (d) PROCEDURES AND SAFEGUARDS FOR ENSURING THE
4 CONFIDENTIALITY AND SECURE STORAGE OF THE INFORMATION
5 CONTAINED IN ADVANCE MEDICAL DIRECTIVES THAT IS ADDED TO AND
6 MAINTAINED IN THE SYSTEM.

7 (4) THE INDIVIDUAL WHOSE MEDICAL TREATMENT IS THE SUBJECT
8 OF THE ADVANCE MEDICAL DIRECTIVE, OR THE AUTHORIZED SURROGATE
9 DECISION-MAKER, IS RESPONSIBLE FOR ENSURING THAT THE ADVANCE
10 MEDICAL DIRECTIVE UPLOADED TO THE SYSTEM IS APPROPRIATELY
11 EXECUTED, CURRENT, AND ACCURATE.

12 (5) EMERGENCY MEDICAL SERVICE PERSONNEL, AN INDIVIDUAL
13 HEALTH CARE PROVIDER, A HEALTH CARE FACILITY, OR ANY OTHER
14 PERSON OR ENTITY THAT COMPLIES WITH AN ADVANCE MEDICAL
15 DIRECTIVE ACCESSED FROM THE SYSTEM IS NOT SUBJECT TO CIVIL OR
16 CRIMINAL LIABILITY OR REGULATORY SANCTION FOR ACTION TAKEN IN
17 ACCORDANCE WITH THE ADVANCE MEDICAL DIRECTIVE.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.